

Remarks/Arguments

1. Applicant thanks Examiner for his careful review of the present application and for the conditional allowance of claims 18 – 20.
2. **Amendments to the Claims:** Claim 14 has been cancelled and new claims 22 – 31 added. New claim 22 includes the subject matter of previously presented claims 10 and 19. New claim 31 is an independent claim that includes the subject matter of previously presented claim 10 and further recites a transport means that provides a straight path between the first anchor means and the second anchor means. This language is supported by FIGS. 1 – 5 of the application as originally filed. The new dependent claims 23 – 30 mirror closely the scope of the previously presented dependent claims. No new subject matter has been introduced with these amendments and Applicant requests approval and entry of the amended and new claims.
3. **Rejections under 35 U.S.C. § 102(b):** Examiner rejected claims 10 – 17 and 21 as being anticipated by U.S. Patent **7,075,191 (Davison)**, with the statement that Davison discloses a tidal wave power station comprising many anchor means, many sails submerged under water and mounted on a belt-like structure. Examiner further states that the “magazines” initially included in the independent claim were the “most critical elements.” This latter statement is incorrect. The critical elements of the inventive apparatus are the configuration of sails assembled on a transport means that extends between a first anchor and a second anchor, the two anchors being a distance apart from each other and, thus, not coupled to each other, such that the sails travel back and forth on the transport means.

4. Davison discloses a set of sails that are mounted on some type of moving vehicle, whereby the vehicles carrying the sails are run along a track on a monorail loop. Davison's patent is an improvement on his three previously issued patents **3,730,643** (1973); **4,163,905** (1979); and **4,589,344** (1986), all of which are submitted with an IDS attached to this paper. Davison references these earlier patents in the 7,075,191 patent in col. 1, line 33 to col. 2, line 36, and remarks that it would be a further improvement of a monorail loop generation system to minimize the mass of the vane/car assembly and that his goal is to provide such a low-mass car assembly. See col. 2, lines 37 – 65. All of the Davison systems are monorail loop systems, in which the cars or trucks carrying sails travel along a monorail loop. See Davison 3,730,643, FIGS. 1 and particularly, 8 – 15 and col. 1, lines 12 – 16 ("trucks travel along an endless track") and col. 3, lines 46 - 63; see Davison 4,163,905, FIGS. 1, 5, and 8 and col. 1, lines 15 – 21 ("trucks supporting the blades travel along an endless track ...") and lines 56 – 64 (motors "properly orient the water current force-receiving blades 37 for most effective thrust as they move around the endless path ..."); see Davison 4,589,344, FIGS. 1, 10 and 11 and col. 5, lines 47 – 50 ("Monorail 20 forms an essentially ovate loop ..."); and Davison 7,075,191, FIGS. 1, 9, 10 – 15.

5. Applicant respectfully suggests that Examiner has not taken additional limitations recited in claim 10 of the present application into consideration. The independent claim 10 of the present application recites a first anchor means and a second anchor means, each anchor means being at a location that is spaced a distance from the location of the other anchor means. The transport means extends between the first anchor means and the second anchor means. In other words, the only travel path for the sails is along a path that terminates at the first end and at the second end of the transport means, each

end being at a different location. New claim 31 further recites that the sails travel back and forth along a straight path. Applicant submits that Davison discloses only a monorail loop generation system and does not disclose sails traveling back and forth along a path that terminates at a first end and at a second end, and further does not disclose a back and forth travel path along a straight path.

6. New claim 22 recites the subject matter of claim 10, plus the magazines for storing the sails, when they are in an inactive state. Examiner had deemed claim 19 conditionally allowable and Applicant submits that claim 22 contains allowable subject matter,

7. Applicant submits that the cited prior art does not anticipate the apparatus claimed in the currently presented independent claims, because the prior art does not disclose every limitation recited in the claims and that the independent claims and their dependent claims thus contain allowable subject matter.

8. **Conclusion:** Applicant has successfully traversed the anticipation rejection and requests that Examiner allow all currently presented claims.

9. This paper is being filed within four months of the mail date of the Office Action. The total number of claims is now 21, three of which are independent claims. Arrangements for payment of the RCE fee and fees for the IDS and the additional claim are provided for concurrently with the filing of this paper.

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10. If questions pertaining to the present application can be resolved in a telephone interview or email correspondence, the undersigned kindly requests and welcomes such communication.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia M. Mathers".

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